

AO 91 (Rev. 11/11) Criminal Complaint

Officer:

AUSA: Susan Fairchild
Jeremy FergusonTelephone: (313) 226-9577
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UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America
v.
Husain AL KAWWAZ

Case No. 2:24-mj-30332

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 7, 2024 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

Offense Description

Title 8, United States Code, Section 1324(a)(2)(B)
(ii),(iii).

Alien Smuggling for Commercial Advantage and Private Financial Gain.

This criminal complaint is based on these facts:

On or about August 7, 2024, at or near Detroit, Michigan, in the Eastern District of Michigan, Southern Division, Husain AL KAWWAZ, a citizen of Canada, knowing and in reckless disregard of the fact that ten Vietnamese aliens had not received prior official authorization to come to, enter and reside in the United States, did bring to and attempt to bring to the United States, ten individuals, for the purpose of commercial advantage and private financial gain, and did not upon arrival immediately bring and present said aliens to an appropriate immigration officer at a designated port of entry, in violation of Title 8 United States Code, Section 1324(a)(2)(B)(ii), (iii).

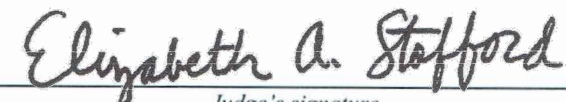
☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: August 9, 2024

City and state: Detroit, MI


Complainant's signature
Jeremy J. Ferguson, Enforcement Officer, CBP
Printed name and title


Judge's signature
Elizabeth A. Stafford, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT

I, Jeremy J. Ferguson, being duly deposed and sworn states:

1. I am an Enforcement Officer with the United States Department of Homeland Security (DHS), Customs and Border Protection (CBP). I have been employed with the same for over twenty years. During my career as a law enforcement officer, I have been involved in various investigations and arrests concerning the smuggling of non-citizens and I have received training in this area.

2. The information set forth below is for the limited purpose of establishing probable cause. Therefore, this affidavit does not necessarily contain all the information collected during my investigation.

3. Husain AL KAWWAZ is a 34-year-old male native of Iraq and citizen of Canada. At approximately 11:32 pm on August 7, 2024, AL KAWWAZ applied for admission to the United States at the Fort Street Cargo Facility, in Detroit, Michigan. AL KAWWAZ presented himself for inspection to a CBP Officer at a primary inspection booth as the driver of an Ontario, Canada-licensed commercial semi-truck and trailer. AL KAWWAZ appeared to be the sole occupant of the semi-truck.

4. The CBP primary inspection officer referred AL KAWWAZ and his truck to secondary inspection for an x-ray examination of the truck and agricultural inspection of his commodity—fresh produce from Canada. AL KAWWAZ drove

the truck from the primary inspection booth to the parking lot within the port of entry that is designated for trucks awaiting secondary inspection (hereinafter the “secondary inspection truck lot”).

5. At approximately 12:30 am on August 8, 2024, perimeter security team officers discovered ten individuals, later identified as citizens of Vietnam, hiding within the secondary inspection truck lot. Due to a language barrier, officers could not initially identify where they came from or question them as to how they arrived at the port. Examination of their passports revealed that they had no U.S. Visa’s or any other document that would allow them to apply for entry, enter, or be present within the United States.

6. At approximately 1:25 am AL KAWWAZ completed his secondary inspections, and he was released with his commercial truck into United States.

7. At approximately 2:00 am a CBP Supervisory Officer reviewed security camera footage of the port of entry to determine where the ten Vietnamese citizens came from. The supervisor was able to see that a large group of people walked away from AL KAWWAZ’s truck after he parked in the secondary inspection truck lot and exited his vehicle.

8. At approximately 2:25 am CBP Officers contacted AL KAWWAZ’s dispatcher and requested that AL KAWWAZ return to the port of entry. AL KAWWAZ returned as requested.

9. Later that morning, I responded to the port of entry and advised AL KAWWAZ of his *Miranda* rights verbally and in writing, which he acknowledged. AL KAWWAZ agreed to answer questions without a lawyer being present. I initiated a video and audio-recorded interview with him at approximately 6:12 am.


10. During the interview AL KAWWAZ stated, in part, that he brought ten “Asians” with him from Windsor into the United States, concealed in his commercial trailer. AL KAWWAZ admitted that he was to be paid \$5,000 upon his return to Canada, after successfully smuggling the individuals into the United States. AL KAWWAZ claimed that this was his first-time smuggling people to the United States, after he was approached “a week or 10 days ago” at a truck stop in Windsor with the offer to smuggle individuals into the United States for \$5,000.

11. AL KAWWAZ stated that he picked-up the ten individuals in Windsor immediately before coming into the United States. AL KAWWAZ stated that after the ten individuals entered his trailer, he applied a seal on the exterior of the trailer doors to secure them.

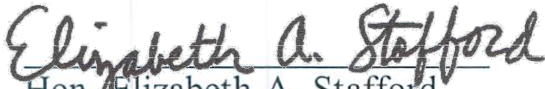
12. AL KAWWAZ stated that after he was referred for secondary inspection, he parked his truck in the secondary inspection truck lot, got out, removed the seal from the trailer, and gestured for the ten individuals to get out of the trailer. AL KAWWAZ stated that he planned to complete his secondary inspection and return to the truck lot to pick up the ten individuals, but when he

returned to the secondary inspection truck lot they were no longer there, so he left without them.

13. Based on the foregoing, there is probable cause to believe that, on or about August 7, 2024, at or near Detroit, Michigan, in the Eastern District of Michigan, Southern Division, Husain AL KAWWAZ, a citizen of Canada, knowing and in reckless disregard of the fact that the ten Vietnamese aliens had not received prior official authorization to come to, enter and reside in the United States, did bring and attempt to bring to the United States, ten individuals, for the purpose of commercial advantage and private financial gain, and did not upon arrival immediately bring and present said aliens to an appropriate immigration officer at a designated port of entry, in violation of Title 8 United States Code, Section 1324(a)(2)(B)(ii), (iii).


Jeremy J. Ferguson
Enforcement Officer
U.S. Customs and Border Protection

Subscribed and sworn to before me in my presence
and/or by reliable electronic means this 9th day of August, 2024


Hon. Elizabeth A. Stafford
United States Magistrate Judge